

BEFORE THE  
ILLINOIS COMMERCE COMMISSION

AMEREN TRANSMISSION COMPANY )  
OF ILLINOIS )  
 ) No. 12-0598  
Petition for a Certificate of )  
Public Convenience and Necessity, )  
pursuant to Section 8-406.1 of )  
Illinois Public Utilities Act, )  
To Construct, Operate and Maintain )  
A New High Voltage Electric )  
Service Line and Related )  
Facilities in the Counties of )  
Adams, Brown, Cass, Champaign, )  
Christian, Clark, Coles, Edgar, )  
Fulton, Macon, Montgomery, Morgan, )  
Moultrie, Pike, Sangamon, Schuyler, )  
Scott and Shelby, Illinois. )

Springfield, Illinois  
May 17, 2013

Met, pursuant to adjournment, at 9:00 a.m.

BEFORE :

MR. JOHN D. ALBERS and MR. STEPHEN YODER,  
Administrative Law Judges

L.A. COURT REPORTERS, by Mark Arndt, CSR, RPR  
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I N D E X

WITNESS:

JEFFREY HACKMAN

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E X H I B I T S			
NUMBER	MARKED FOR ID	IN EVIDENCE	
ATXI Joint Exhibit			
No. 1	957		
Staff-ATXI Joint Exhibit			
No. 1	958		
ACPO Exhibit			
Nos. 1.0 through 25		967	
LBJ Exhibits			
Nos. 1.0 through 2.0		970	
ATXI Exhibit			
Nos. 3.0 Second Revised, 3.1 through 3.3, 3.4 Third Revised, 12.0 Revised, and 12.1		1034	
Nos. 1.0 through 1.1, 10.0 Revised, 10.1, 10.2 Second Revised, and 10.3 through 10.6		1048	
Nos. 19.0 through 19.1		1049	
STPL Exhibit			
Nos. 1 through 1.29 and 18.0		1035	
RCECCC Exhibit			
Nos. 1.0 through 3.0		1040	
Lockwood Exhibit			
No. A with Attachments 1 through 7		1051	
No. B		1051	
ATXI Cross Exhibit			
No. 6	967	968	
No. 7	970	1040	
No. 8	1047	1047	

1 JUDGE ALBERS: By the authority vested in  
2 me by the Illinois Commerce Commission, I now call  
3 Docket Number 12-0598. This docket was initiated by  
4 Ameren Transmission Company of Illinois, and concerns  
5 a petition for certificate of public convenience and  
6 necessity pursuant to Section 8-406.1 of the Public  
7 Utilities Act.

8 Is -- the practice for this proceeding,  
9 all appearances should be submitted electronically to  
10 the e-mail address of the court reporter, Laurel  
11 Patkes. As far as other preliminary matters, again,  
12 if you're on the bridge number, please keep the noise  
13 to a minimum, and also, anyone appearing off site  
14 should identify themselves before speaking.

15 And also, I suppose for our new court  
16 reporter, if you're in the room as well, please  
17 identify yourself when you start speaking, and please  
18 spell your last name as well. I think we have all the  
19 exhibit lists. So with that, is there any other  
20 preliminary matters before we begin? I think Mr.  
21 McNamara has something to follow up on from yesterday.

22 MR. McNAMARA: Good morning, Judge.

1 Yesterday, towards the close of the hearing, I was  
2 asking Witness Murphy about compensation. I asked her  
3 her compensation, and there was some discussion as to  
4 whether it was proprietary. I'm withdrawing the  
5 question. I don't need the answer.

6 JUDGE ALBERS: All right. Thank you,  
7 sir.

8 MR. McNAMARA: Thank you.

9 JUDGE ALBERS: Mr. Olivero?

10 MR. OLIVERO: Thank you, Your Honor.

11 This is Jim Olivero -- O-L-I, V as in Victor, E-R-O --  
12 on behalf of the staff witnesses of the Illinois  
13 Commerce Commission. I may be leaving early today,  
14 but I was wondering if I could move in a joint exhibit  
15 with ATXI right now.

16 JUDGE ALBERS: Yes.

17 [Whereupon, ATXI Joint Exhibit 1 was  
18 marked for identification.]

19 MR. OLIVERO: Okay. In lieu of  
20 cross-examination, ATXI and staff had agreed to the  
21 entry of a joint exhibit, which I've identified as  
22 Staff-ATXI Joint Exhibit Number One, consisting of 13

1 data request responses, and I would move for entry  
2 into the evidentiary record that exhibit right now.  
3 Did you want me to identify?

4 JUDGE ALBERS: Yes, probably just so the  
5 record's clear what it is you're moving in.

6 MR. OLIVERO: Okay. Sure. Included  
7 within the package is data request for spots ENG 2.05,  
8 ENG 2.06R, ENG 4.01, 4.03, and 4.06, ENG 5.02R, ENG  
9 6.01, which includes an attachment, and ENG 6.01S, ENG  
10 7.05, and 7.05S, ENG 8.08, 8.13, and 8.20.

11 JUDGE ALBERS: Is there any objection to  
12 the joint exhibit? Hearing no objection, then  
13 Staff-ATXI Joint Exhibit One is admitted.

14 [Whereupon, Staff-ATXI Joint Exhibit 1  
15 was admitted into evidence.]

16 MR. OLIVERO: Thank you, Your Honor.

17 JUDGE ALBERS: Thank you, Mr. Olivero.

18 MR. GOWER: Your Honors, in light of the  
19 fact that ATXI has waived cross of Mr. Barrett (ph),  
20 we're going to move to put his testimony into the  
21 record via affidavit. I suggest that we go ahead and  
22 let the witness get on, and then after the witness is

1     done, then I'll move for the admission of Mr.  
2     Barrett's testimony.

3                   JUDGE ALBERS:   Sounds good.   Is there  
4     anyone on the phone that would like to move for  
5     admission of testimony?   All right.   I guess we'll go  
6     to our first witness then.

7                   MR. KALB:   In regards to preliminary  
8     matters --

9                   THE REPORTER:   Can we have him identify  
10    himself, please?

11                   MR. KALB:   Oh, this is Brian Kalb for the  
12    Adams County property owners --

13                   THE REPORTER:   Thank you.

14                   MR. KALB:   -- and Louise Brock-Jones  
15    Partnership.   Would now be a time to introduce into  
16    the record or evidence Adams County's direct testimony  
17    in affidavits, or should we wait until later?

18                   JUDGE ALBERS:   It's fine with me, unless  
19    Mr. Hackman's in a hurry to leave.

20                   MR. HACKMAN:   No, sir.

21                   JUDGE ALBERS:   All right.   Thank  
22    you.

1                   MR. KALB: Your Honor, we filed with the  
2 Court the Adams County -- or the Commission -- the  
3 Adams County Landowners and Tenant Farmers exhibit  
4 list. At this time, I'd like to move into evidence,  
5 for the sake of brevity, the items on the exhibit  
6 list, ACPO 1.0 through ACPO 13, and ACPO 13.1, and  
7 ACPO 3 -- 13.2, and ACPO 13.3, which are all direct  
8 testimony of the Adams County property owners.

9                   JUDGE ALBERS: Could you do it by  
10 witness, please?

11                  MR. KALB: Sure.

12                  JUDGE ALBERS: That'll make it easier for  
13 us.

14                  MR. KALB: Each witness?

15                  JUDGE ALBERS: Yes.

16                  MR. KALB: Okay. We'll do that. ACPO  
17 1.0 is the direct testimony of Ed Behrensmeyer along  
18 with corresponding exhibits ACPO 1.1, 1.2, 1.3, and  
19 1.4. ACPO 2.0 is the direct testimony of Greg Edwards  
20 (ph), with corresponding Exhibits 2.1, 2.2, 2.3, and  
21 2.4.

22                  ACPO Exhibit 3.0 is the direct testimony

1 of Eleanor Flesner with Exhibit 3.1. ACPO 4.0 is the  
2 direct testimony of Keith Flesner -- that's  
3 L-F-E-S-N-E-R (ph) -- with Exhibits 4.1. That's the  
4 only exhibit for that person. ACPO 5.0 is the direct  
5 testimony of Larry Groce, with Exhibit 5.1.

6 ACPO 6.0 is the direct testimony of Alex  
7 House with corresponding Exhibits 6.1, 6.2, 6.3, 6.4,  
8 6.5, 6.6, 6.7, 6.8. Just to save time, 6.9 through  
9 6.16. ACPO 7.0 is the direct testimony of Stuart  
10 Kaiser, with corresponding Exhibits 7.1 through 7.4 --

11 JUDGE ALBERS: Hold that thought for a  
12 minute. Didn't we already take care of Mr. Kaiser?

13 MR. KALB: We introduced him into  
14 evidence, Your Honor. And yesterday we filed an  
15 errata properly designating his exhibit designations  
16 as 7.1 through 7.4.

17 JUDGE ALBERS: That's right.

18 MR. KALB: So for clarity on the record,  
19 I'm moving for those exhibits to be entered with those  
20 exhibit numbers to be clear on the record.

21 JUDGE ALBERS: Okay.

22 MR. KALB: ACPO 8.0 is direct testimony

1 of David Loos -- Lewis (ph) with corresponding  
2 Exhibits 8.1 through 8.3. ACPO 9.0 is the direct  
3 testimony of Melvin Loos -- that's L-O-O-S -- with  
4 corresponding Exhibits 9.1 through 9.6. ACPO 10 is  
5 the direct testimony of Brent Mast, with Exhibits 10.1  
6 through 10.6. ACPO 11.0 is the direct testimony of  
7 Marvin Miller (ph), with Exhibits 11.1 through 11.8.

8 ACPO 12.0 is the direct testimony of John  
9 Peters with Exhibits 12.1 through 12.5. ACPO 13.0 is  
10 the direct testimony of Katherine Thomure, and 13.1 is  
11 an attachment to that. 13.2 is an errata of Katherine  
12 Thomure, and 13.3 is the revised direct testimony of  
13 Katherine Thomure.

14 JUDGE ALBERS: Okay. If the revised  
15 direct testimony -- does that --

16 MR. KALB: Corresponds with the errata.

17 JUDGE ALBERS: Okay. So really, we just  
18 need 13.1 and 13.3?

19 MR. KALB: Yes.

20 JUDGE ALBERS: Okay.

21 MR. KALB: ACPO 4.0 (ph) is the affidavit  
22 of Brent Mast.

1 JUDGE ALBERS: Hold up. What was the  
2 number on that one? 14.0?

3 MR. KALB: Yes, Your Honor.

4 JUDGE ALBERS: All right.

5 MR. KALB: ACPO 15.0 is the affidavit of  
6 David Lewis. ACPO 16.0 is the affidavit of Ed  
7 Behrensmeyer. ACPO 17.0 is the affidavit of Melvin  
8 Loos. ACPO 18.0 is the affidavit of Katherine  
9 Thomure. It's T-H-O-M-U-R-E. ACPO 19.0 is the  
10 affidavit of Larry Groce. And ACPO 20.0 is the  
11 affidavit of Alex House. And Your Honor, we filed  
12 additional affidavits yesterday that I'd like to put  
13 on the record.

14 JUDGE ALBERS: Okay.

15 MR. KALB: Yesterday, our office filed  
16 ACPO 21, which is the affidavit of Keith Flesner.  
17 That was filed on May 16th. ACPO 22 is the affidavit  
18 of Eleanor Flesner, also filed May 16th. ACPO 23 is  
19 the affidavit of John Peters, filed May 16th. And  
20 ACPO 24 is the affidavit of Marvin Miller filed May  
21 16th.

22 And Greg Edwards was intended to testify

1 today to enter in his direct testimony. He's not  
2 going to be testifying. We'll submit his affidavit,  
3 and we'll be filing that today, and he'll be  
4 designated as ACPO 25.

5 JUDGE ALBERS: Does anybody have any  
6 questions about any of those exhibits?

7 MR. STURTEVANT: Yes, Your Honor. Albert  
8 Sturtevant for ATXI. S-T-U-R-T-E-V-A-N-T. Just, I  
9 think, for clarification purposes, the filing  
10 yesterday was to just put exhibit numbers and the like  
11 on the various testimonies.

12 MR. KALB: Yes.

13 MR. STURTEVANT: And then the Thomure  
14 errata -- is that the same thing, or -- I just --

15 MR. KALB: The errata for Katherine  
16 Thomure is -- she put an estimate on the value of the  
17 property, which was \$10,000 off.

18 MR. STURTEVANT: Okay.

19 MR. KALB: So the errata was to correct  
20 \$330,000 to \$320,000, I believe.

21 MR. STURTEVANT: Okay. Were there any  
22 other errata changes?

1 MR. KALB: No.

2 MR. STURTEVANT: Okay.

3 MR. KALB: So the only other changes to  
4 the testimo -- the only change was Katherine Thomure's  
5 designation of the value of the property, and then the  
6 exhibit numbers put on each and every filing, which we  
7 had to clarify it.

8 MR. STURTEVANT: Okay. Thank you. Yes,  
9 I guess the only other comment I would have is, we  
10 have a couple of stipulated cross exhibits related to  
11 this testimony as well, so --

12 JUDGE ALBERS: Okay. One at a time then.  
13 Any objection then to any of the exhibits of Mr.  
14 Kalb's?

15 MR. STURTEVANT: Subject to the admission  
16 of our document, which I can pass out.

17 JUDGE ALBERS: Okay. Go ahead.

18 MR. STURTEVANT: All right. Your  
19 Honor -- well, we actually have -- before I get to  
20 that, we have Mr. Edwards' data responses, which I  
21 don't think we received from you guys yet.

22 MR. KALB: No, you have not. Our office

1 is preparing now. My assistant's going to be  
2 circulating this morning.

3 MR. STURTEVANT: Okay. So I guess we  
4 have one set we haven't received yet. We'll try and  
5 mark those today if we receive them today. If we  
6 don't get them till after we're done today, would it  
7 be okay to just have a late filed cross exhibit with  
8 Mr. Edwards's DR responses?

9 JUDGE ALBERS: Generally, yes. I  
10 imagine, though, once people see these, probably get a  
11 chance to look at it, see if they have any questions,  
12 objections, or concerns, so --

13 MR. STURTEVANT: Okay.

14 JUDGE ALBERS: We can at least label it  
15 for reference. We'll go ahead and do that then.

16 MR. STURTEVANT: Okay. Do you think  
17 we'll have it before we're done today, Brian? Or --

18 MR. KALB: Yes. My goal is to have it by  
19 10:30.

20 MR. STURTEVANT: Okay. All right. Why  
21 don't we -- we'll take that up, I guess, at -- when  
22 we're wrapping up, and see where we are on that.

1 JUDGE ALBERS: Okay.

2 [Whereupon, ATXI Cross Exhibit 6 was  
3 marked for identificaition.]

4 MR. STURTEVANT: And then we have what's  
5 been marked as ATXI Cross Exhibit Six, which is data  
6 response ATXI-ACPO 9.01, and this data response -- or  
7 this cross exhibit we would move for admission in lieu  
8 of cross-examination of ACPO's witnesses.

9 JUDGE ALBERS: Is there any objection  
10 then to ATXI Cross Exhibit Six?

11 MR. KALB: No, Your Honor.

12 JUDGE ALBERS: Is there any reason I  
13 should refrain from admission of the actual witness  
14 testimony pending additional cross exhibit you're  
15 discussing?

16 MR. STURTEVANT: No, I think you can go  
17 ahead and admit it now.

18 JUDGE ALBERS: Okay. Hearing no  
19 objection, then the previously-identified exhibits for  
20 the Adams County witnesses are admitted.

21 [Whereupon, ACPO Exhibits 1.0 through 25  
22 were admitted into evidence.]

1 [Whereupon, ATXI Cross Exhibit 6 was  
2 admitted into evidence.]

3 JUDGE YODER: Mr. Kalb, when did Exhibits  
4 21 through 24, those affidavits -- what date did you  
5 say those were filed? I missed that.

6 MR. KALB: May 16th.

7 JUDGE YODER: Okay. Thank you. And the  
8 other one is to be filed? 25 --

9 MR. KALB: Yes. ACPO 25 --

10 JUDGE YODER: Okay.

11 MR. KALB: -- would be Greg Edwards,  
12 which were -- our office is preparing those items now.

13 JUDGE YODER: Okay. That's fine. Thank  
14 you.

15 JUDGE ALBERS: All right. Anything  
16 further, Mr. Kalb?

17 MR. KALB: Yes. The Louise Brock-Jones  
18 Limited Partnership exhibit list.

19 JUDGE ALBERS: Yes. That's right.

20 MR. KALB: On behalf of Louise  
21 Brock-Jones, we move to admit LBJ 1.0, which is the  
22 direct testimony of Louise Brock-Jones Limited

1 Partnership.

2 JUDGE ALBERS: What was the name of the  
3 actual witness?

4 MR. KALB: Barbara File, I believe.

5 JUDGE ALBERS: That's right. Thank you.

6 JUDGE YODER: How do you spell that last  
7 name, at least?

8 MR. KALB: F-I-L-E.

9 JUDGE ALBERS: I'm sorry. Did you  
10 identify them? I --

11 MR. KALB: Pardon me?

12 JUDGE ALBERS: Did you identify  
13 the actual exhibits yet?

14 MR. KALB: LBJ 1.0. The exhibits are LBJ  
15 1.1 through 1.3.

16 JUDGE ALBERS: And the affidavit was 2.0?

17 MR. KALB: The affidavit is LBJ 2.0,  
18 which is an affidavit of Barbara File.

19 JUDGE ALBERS: Any objection?

20 MR. STURTEVANT: No objection.

21 JUDGE ALBERS: Hearing none, they are  
22 admitted.

1 [Whereupon, LBJ Exhibits 1.0 through 2.0  
2 were admitted into evidence.]  
3 JUDGE ALBERS: Anything further, Mr.  
4 Kalb?  
5 MR. KALB: No. Thank you.  
6 JUDGE ALBERS: All right. Thank you.  
7 All right. Anything else of a similar nature? All  
8 right. Like to call your first witness?  
9 MS. ZEHR: For the benefit of the record,  
10 my name is Anne Zehr -- Z-E-H-R. I represent ATXI.  
11 We call Mr. Jeffrey Hackman.  
12 [Mr. Hackman duly sworn by Judge Albers.]  
13 QUESTIONS BY MS. ZEHR:  
14 Q. Good morning, Mr. Hackman.  
15 A. Good morning.  
16 Q. Will you introduce yourself to the  
17 Commission by stating your full name, employment  
18 title, and business address?  
19 A. Yes. I'm Jeffrey Vernon Hackman. My  
20 title is director of transmission operations for  
21 Ameren Services Company at 1901 Chouteau --  
22 C-H-O-U-T-E-A-U -- Drive, St. Louis, Missouri.

1           Q.     Mr. Hackman, do you have before you what  
2     has been previously marked as ATXI Exhibit 3.0, Second  
3     Revised, titled "The direct testimony of Jeffrey V.  
4     Hackman," dated February 11th, 2013, and accompanying  
5     Exhibits 3.1, 3.2, 3.3, and 3.4, Third Revised?

6           A.     Yes, ma'am, I do.

7           Q.     And is this the direct testimony you  
8     submitted in this -- Mr. Hackman --

9           A.     Yes, ma'am, it is.

10          Q.     Do you also have before you what has been  
11     previously marked as ATXI Exhibit 12.0, Revised,  
12     titled "The rebuttal testimony of Jeffrey V. Hackman,"  
13     dated May 8th, 2013, and accompanying Exhibit 12.1?

14          A.     Yes, ma'am, I do.

15          Q.     And is this the rebuttal testimony you  
16     submitted in this proceeding?

17          A.     Yes, ma'am, it is.

18          Q.     Was the aforementioned direct and  
19     rebuttal testimonies and accompanying exhibits  
20     prepared by you or at your direction and under your  
21     supervision?

22          A.     Yes, ma'am, they were.

1           Q.     And do you have any corrections to make  
2 to any of the testimony or exhibits?

3           A.     No, ma'am, I don't.

4           Q.     And if I ask today, sir, the questions  
5 contained in your direct and rebuttal testimonies,  
6 would your answers be the same?

7           A.     Yes, ma'am, they would.

8           Q.     Are those answers true and accurate to  
9 the best of your knowledge and belief?

10          A.     Yes, ma'am, they are.

11          Q.     Thank you, Mr. Hackman.

12                 MS. ZEHR:  ATXI will respectfully move  
13 for the admission into the record of the  
14 aforementioned testimony and exhibits, and we would  
15 tender Mr. Hackman for cross-examination.

16                 JUDGE ALBERS:  Thank you.  We'll take  
17 that up following the questions.  Moultrie County  
18 appears to have some time reserved.  Mr. Robertson --

19                 MR. McNAMARA:  I think he just left for a  
20 second.

21                 JUDGE ALBERS:  Okay.  Well --

22                 MR. MORAN:  And Your Honor, I agreed with

1 Mr. Robertson that I could go first. He requested  
2 that --

3 JUDGE ALBERS: That's fine.

4 MR. MORAN: -- slotting, and said he may  
5 not have any questions.

6 JUDGE ALBERS: That's --

7 MR. GOWER: And he also asked to go after  
8 me, and that's fine with me.

9 JUDGE ALBERS: Okay.

10 THE REPORTER: Could I have you gentlemen  
11 identify --

12 MR. GOWER: I'm sorry. I'm Ed Gower. I  
13 represent Stop the Power Lines Coalition, Tarble  
14 Limestone Enterprises, and JDL Broadcasting.

15 THE REPORTER: Thank you.

16 MR. GOWER: It's G-O-W-E-R.

17 MR. MORAN: And my name is Bill Moran --  
18 M-O-R-A-N -- on behalf of Rural Clark and Edgar County  
19 Concerned Citizens.

20 QUESTIONS BY MR. MORAN:

21 Q. Mr. Hackman, I'm going to mainly talk  
22 about some points in your rebuttal testimony

1 concerning parallel lines and dual circuit lines. As  
2 far as parallel lines are concerned, on Page Six of  
3 your rebuttal testimony, you basically said  
4 paralleling existing transmission lines generally is  
5 not preferred. On Page Nine, you said that limited  
6 parallel lines were used in this project, and then  
7 finally, on Page 10, you said parallel lines should be  
8 used in -- and this is in quotations -- "very limited  
9 circumstances."

10 MS. ZEHR: Counsel, can you point the  
11 witness to the direct -- excuse me -- to the exact  
12 lines you're referencing on each of these three pages?

13 MR. MORAN: Sure.

14 MS. ZEHR: Thank you.

15 JUDGE ALBERS: While you're looking that  
16 up -- make sure your microphone's on.

17 A. Mine is on. Yes, sir.

18 JUDGE ALBERS: Just checking.

19 A. Thank you, Your Honor.

20 JUDGE ALBERS: Uh-huh.

21 Q. (By Mr. Moran) On Page Six, it's Lines  
22 120 to 121 -- "For these reasons, paralleling existing

1 transmission lines generally is not preferred." On  
2 Page Nine, Lines 172 to 173, "And in fact, in limited  
3 instances, ATXI has proposed parallel transmission  
4 lines as part of this project." And then on Page 10,  
5 Lines 199 to 201, "Paralleling should only be used in  
6 very limited circumstances in order to mitigate risks  
7 of common-mode failures that could lead to outages for  
8 its customers."

9 A. Thank you, sir.

10 Q. That's accurate representation of your  
11 three different points related on this subject?

12 A. Yes, sir.

13 Q. Were you here yesterday when Ms. Murphy  
14 testified?

15 A. Yes, sir, I was.

16 Q. And she testified that the rebuttal  
17 recommended route now contains parallel colocation in  
18 about 19 percent of its distance?

19 A. Yes, sir.

20 Q. And if my math is right, 19 percent of --  
21 and I've heard everything from 370 miles to 380  
22 miles -- but if you use 19 percent of 370 miles,

1     that's a little over 70 miles of this project is in  
2     parallel lines?

3             A.     I think that's about right.  Yes, sir.

4             Q.     My people are concerned with the Kansas  
5     substation to Indiana line portion of the project, and  
6     in the primary route recommended by ATXI, there was  
7     the use of parallel right-of-ways for at least a part  
8     of the route?

9             A.     That's correct.

10            Q.     And that was about 10 or 11 miles, maybe,  
11     in a straight line?

12            A.     That sounds right.  I really don't  
13     remember the exact numbers, but that sounds about  
14     right.

15            Q.     Yes, it's just really hard because this  
16     scale is six miles to two-and-a-quarter inches, and  
17     it's hard to figure out exactly how much, but roughly  
18     10 miles or so of parallel lines?

19            A.     I'll agree with you.  I mean, it's some  
20     distance.  Yes, sir.

21            Q.     And that's -- parallel lining -- it's a  
22     recom -- it's a recognized practice in the power

1 transmission line field? It's used all over the  
2 country in different places?

3 A. I think I described in my testimony, sir,  
4 that it's used in various capacities for various  
5 purposes, and there's a good place to use it and a  
6 not-so-good place to use it. I described, I believe,  
7 the issue where, when you've got generation outlet  
8 capability, where para -- where you're just trying to  
9 move power from one place to another place, that  
10 parallel lines are quite common and used quite often,  
11 because you're really just worried about an efficient  
12 delivery of power out of the power station.

13 And the planning criteria allowed for the  
14 loss of that power station, so whether you lose one or  
15 two circuits, it looks the same as whether you lose  
16 the power plant. That's a little different than the  
17 general case that I'm trying to describe, where you  
18 have to look at the nature of the circuits that are  
19 involved and decide whether it's appropriate or not  
20 appropriate in a particular case, especially since  
21 this project delivers reliability benefits in addition  
22 to the bulk power aspect.

1                   That's kind of the unique nature of these  
2 MVP projects, is they're serving several masters, and  
3 so we can't think of them as just a generation outlet,  
4 as other witnesses have described them, and they're  
5 really providing local reliability as well. And so it  
6 is a practice to do that, but you have to look at each  
7 application and decide if the risk of parallel -- when  
8 they provide reliability benefits, it's important to  
9 look at the risk of parallel where common-mode failure  
10 can occur, and weigh that against, as Ms. Murphy  
11 described, that trade-off of benefits; right?

12                   Sighting power lines has societal  
13 benefits, environmental benefits, and costs as well,  
14 and we have to balance those, and that's what we take  
15 into account when we decide what can be paralleled and  
16 what can't be paralleled.

17               Q.     And in this case, it sounded like, from  
18 what Ms. Murphy said, that the percentage of parallel  
19 lines has grown during the vetting process of this  
20 line, that it was less -- one of the lines, she said,  
21 may have been less than 15 percent, and now we're up  
22 to almost one in five miles is parallel.

1           A.     My recollection -- and again, I don't  
2     have the exact figures in front of me -- but my  
3     recollection was the primary route originally was 18  
4     percent, and now the recommended alternative routes or  
5     whatever we're calling what we've agreed to is about  
6     19 percent, so it's grown slightly.

7                     But that's exactly the point, Mr. Moran,  
8     I was trying to describe to you before, which is, as  
9     people have come forward and identified particular  
10    areas, we try to have -- we balance can we accommodate  
11    paralleling against the environmental factors that are  
12    there as well as the costs, the long-term maintenance,  
13    and then the reliability that I previously described?  
14    So it isn't shocking to me that it moves either up or  
15    down, because we're learning new things through this  
16    process. That's exactly the nature of the public  
17    process that the legislature has put before us.

18           Q.     And as far as the reliability aspect, I  
19    asked Mr. Murbarger (ph) these questions about these  
20    steel poles that are going to be used for this  
21    project. Do you agree with the premise that these are  
22    state-of-the-art type of equipment for a transmission

1 line in this type of application?

2 A. Well, you're not going to get me to admit  
3 that Ameren would put up less than state-of-the-art, I  
4 can assure you. But let me explain to you that  
5 whatever kind of a structure that we propose, it meets  
6 the same designing criteria, so if we're using wood  
7 poles or we're using the lattice structures -- which I  
8 think someone referred to as erector set, the  
9 criss-cross -- that's what -- I thought it was you,  
10 sir -- and -- or whether we're using these steel  
11 monopoles, they're all built and designed to the same  
12 loading criteria. The National Electric Safety Code  
13 has certain criteria for which the lines are designed,  
14 and this meets them. We don't overly design the steel  
15 monopoles because they're steel monopoles.

16 Q. Well, but there's kind of been a  
17 progression. You know, you started in the industry  
18 with wooden poles, and you have instances where pickup  
19 truck meets wooden pole, wooden pole breaks in half,  
20 falls down. Then you move to the erector set --  
21 because, again, I grew up in the mid-1960s, and it  
22 looks like something I built with my erector set --

1     which had a lot more reliability. And now we're to  
2     these steel single poles -- or based in concrete that,  
3     as I understand it, are designed to withstand  
4     hurricane-force winds or tornadoes?

5             A.     Every one of the structure types that  
6     you've listed can withstand all of those things if  
7     properly designed. It's just a matter of material  
8     thicknesses and balancing strengths. So we still  
9     routinely install wood pole -- single wood poles. We  
10    routinely install double -- two-pole structures that  
11    look like an H -- an H-frame structure. (Indicating.)  
12    Sorry, the court reporter can't catch my fingers here,  
13    but it's an H.

14             And then we still routinely install  
15    lattice structures. And in fact, for river-crossing  
16    structures, where strength is of the utmost concern,  
17    we always use lattice structures. And the primary  
18    reason we're proposing monopole is because it  
19    minimizes the impacts certainly on farming operations,  
20    and quite often in other areas as well. So it's --  
21    the reason we're choosing those in this application is  
22    because we think that's the best balance of structure

1 types. It's not a strength problem.

2 Q. Well, and if you use these monopoles,  
3 you're going to have less of a common-mode failure  
4 percentage; is that correct?

5 A. I don't think those are related. The  
6 common-mode failure thing relates to whether a single  
7 event, whether internally generated, as in the case of  
8 the structure, or externally, from, as Mr. Murbarger  
9 described, the metal roof of a shed or barn or  
10 whatever flying off, the common -- the issue of  
11 failures relates to where the circuits are and whether  
12 they are subject to common mode, not to the monopole.

13 Q. Well, what I'm -- maybe I should make  
14 myself --

15 A. I'm sorry, sir. Go ahead.

16 Q. Maybe I should have made myself clear.  
17 Maybe a common-mode -- part of your testimony, I  
18 thought, that you testified that, if a pole fell down  
19 because of some type of disaster, and knocked into  
20 another pole, and knocked its wires down, or knocked  
21 its connectors, or broke the connections --

22 A. Uh-huh.

1           Q.       -- with the steel monopole next to  
2     whatever kind of route, that steel monopole isn't  
3     going to fall and cause any type of outage?

4           A.       Oh, quite the contrary, sir. Those steel  
5     monopoles do fail. Lattice towers fail. Wood poles  
6     fail. Every structure we make will fail if the  
7     design -- if the loads that are applied are in excess  
8     of what they're designed for. In fact, we've had  
9     steel monopole failure within the last year.

10          Q.       Here in Illinois?

11          A.       No, sir. Same structure, though. It's a  
12     common -- it's our standard structure.

13          Q.       The next thing I'm going to show you --  
14     and again, because it's an exhibit -- it's ATXI  
15     Exhibit 13.8, Page One. And this is the document  
16     that -- do you want one? This is the document I was  
17     using when I was speaking with Ms. Murphy last night.  
18     And in this case, Stop the Power Lines has proposed  
19     some alternate routes that both start out the same  
20     way, going due east out of the Kansas substation.

21                   And it looks from -- basically, the first  
22     line is a distance of maybe 14, 15, 16 miles. And the

1     proposal, both first and second alternate routes,  
2     follow an existing 138 kV line out of the substation.  
3     I asked Ms. Murphy this, but do you see any reason why  
4     parallel placement wouldn't work in this area?

5                   MS. ZEHR:  Objection, Your Honor.  The  
6     question calls for speculation.  I'm sorry.  I  
7     withdraw the objection.

8                   JUDGE ALBERS:  Go ahead.

9                   A.     Okay.  Thank you.  In this particular  
10    case, we're referring to the dotted line at the top  
11    (indicating document) --

12                  Q.     (By Mr. Moran)  That's correct.

13                  A.     We agree?  Okay.  Thank you.  No, because  
14    when you look at the nature of the 138 kV line that  
15    this route is paralleling, the coincident loss of  
16    those doesn't create the same reliability concerns  
17    that other paralleling does occur.

18                  Q.     And in fact, in one of the places in your  
19    testimony -- it's in -- on Page Eight, Lines 161 to  
20    167 -- you state, "Let me describe further if" -- and  
21    this is --

22                  A.     Mr. Moran, excuse me.  I'm sorry to

1 interrupt you.

2 Q. That's okay.

3 A. Testimony or rebuttal testimony?

4 Q. Rebuttal.

5 A. I'm sorry.

6 Q. Rebuttal. Sorry.

7 A. You said "testimony." I was a little  
8 confused.

9 Q. Sorry. And this is related to dual  
10 circuiting, but I think it relates to what you just  
11 testified to. It says, "If two circuits are supposed  
12 to supply a community, either directly or as supplies  
13 to a substation that serves multiple communities,  
14 putting both together on the same structure or the  
15 same right-of-way means that when a common-mode  
16 failure occurs, the community is without electric  
17 supply.

18 "On the other hand, if one of the  
19 circuits carries generation to a load center, which is  
20 a generation outlet, and the other circuit is for  
21 local area reliability, and the area has another  
22 source from an independent path, system performance

1     may be acceptable with both circuits subject to  
2     common-mode failure." So in this instance, we have a  
3     138 kV line that it looks like it runs out, it goes to  
4     a substation a little bit south of the town of Paris,  
5     Illinois. And that's a local transmission line.

6             A.     Well, it serves a local reliability  
7     purpose, but it also serves the greater bulk electric  
8     system, so it's not like it just serves that  
9     community. It carries flows -- it's part of the  
10    integrated transmission system that carries flows  
11    across the United States.

12            So flows on that line will carry energy  
13    from Indiana to Kansas, and from Minnesota to the  
14    south, and vice-versa. So it does -- its primary  
15    purpose is local area reliability, because it serves  
16    substations there, but it's also part of the  
17    integrated transmission system that we operate.

18            Q.     And that's because all of it's part of a  
19    grid --

20            A.     Correct.

21            Q.     -- that redundancy is built into the  
22    project, so that when you have a failure and an area

1 loses power, there's always a backup somewhere so that  
2 you can at least get power to the location as long as  
3 transmission lines to the customers are up?

4           A.     The transmission system is generally  
5 designed -- there are a few instances where a -- what  
6 we call a bulk substation, which is one that would  
7 take energy from the transmission system and send it  
8 to the distribution system -- where it might have only  
9 one transmission supply, but that's because it has  
10 distribution connections that can back-feed it if the  
11 transmission supply goes out.

12                     But in general, your description is  
13 correct. The transmission system is interconnected.  
14 We -- many points connect. It's like a spider web, or  
15 as I've described, I think, in my testimony, the  
16 Interstate highway, where all the -- you can get to  
17 Denver 17 different ways, depending on how far out of  
18 your way you want to go.

19           Q.     But in this case -- and again, I'm  
20 talking about the Stop the Power Lines alternate  
21 routes -- the 138 kV line is generally used -- its  
22 primary purpose is for the supply of local power to

1     this area of the map that's shown here?

2             A.     I guess if we think about these lines --  
3     I -- you're generally describing it right, but I don't  
4     want to give you the impression that it's a local  
5     area-only line. It is an important part of a -- of  
6     the transmission system. You know, if I would like to  
7     take -- I think you've seen in my biography I'm also  
8     responsible for operations, so if my operators were to  
9     have to take that line out of service for construction  
10    or maintenance, we would still have to coordinate that  
11    with the midwest -- or I'm sorry -- new name. We'll  
12    just use MISO. Sorry. They got a new name.

13                We would still have to coordinate that  
14    with MISO because it's part of the integrated system,  
15    but clearly if we think about how much of that line  
16    versus a 345 kV line, we could say 50 percent of that  
17    line's job is local reliability and 50 percent is  
18    Interstate highway, whereas maybe on a 345 kV line it  
19    might be 10 percent local area reliability, in some  
20    cases, and 90 percent Interstate. And of course it  
21    depends on the area. I'm just trying to describe the  
22    general concepts, not a specific line.

1           Q.     Sure. And you moved right through my  
2 next question -- was about the 345 kV lines. Again,  
3 I, in my -- in my power lines, I call it a trunk line,  
4 because it moves a commodity from one location to  
5 another, and as in this case, I understand that this  
6 340 kV line is going to be used in a lot of the  
7 circumstances to bring power from the west towards the  
8 east to customers in the grid that are even east of  
9 the Indiana line. Is that correct?

10           A.     That's certainly one of its purposes. As  
11 I previously said here -- I'm sorry if I'm repeating  
12 myself. I'm just trying to make sure you hear what  
13 I'm trying to tell you -- that this is -- this  
14 Illinois Rivers Project is part of the MISO's  
15 portfolio, which is a -- multivalue projects. So  
16 certainly, the ability to transfer renewable energy  
17 from the sources to the loads is important, and the  
18 loads are in Illinois as well as, of course, points  
19 east.

20                   But the other component -- and this is  
21 really important to remember -- is that this Illinois  
22 Rivers Project also provides reliability benefits,

1     because it's going to take the place of projects that  
2     would have had to have been done to provide local  
3     area. Various portions of Illinois are better  
4     supported with transmission lines because of the way  
5     it's developed, and others are not as quite  
6     well-supported.

7                     They're all adequate, but there -- but  
8     obviously, the ones that are -- if you rank anything,  
9     there's got to be somebody at the bottom; right? If  
10    you have five students -- I don't care what you say --  
11    they're not all top. One of them is at the bottom.  
12    Even if they're all A students, one is at the bottom.

13                    So that's true here. And so as Illinois  
14    rivers goes across the state, it serves different  
15    purposes, depending on where it's at. So in this  
16    area, certainly it's going to provide more reliability  
17    benefits -- its value to the customers is more  
18    reliability even than the energy transfer in this  
19    area.

20                    Q.     And that's because the 345 lines, usually  
21    the power's going to be passing through. We have a  
22    super-storm here in Illinois that takes down -- I

1 don't know how many miles of line -- but while we're  
2 usually letting that 345 power pass us by, we can grab  
3 it and pull it here and use it for the customers in  
4 Illinois to provide their everyday needs here?

5 A. Well, actually, it -- there -- it's used  
6 all the time. These are not -- the 345 kV lines can  
7 carry more power -- a lot more power than Dr. Reneeb  
8 (ph) said in his testimony, by the way. His numbers  
9 from ADP (ph) were based on something regarding  
10 stability limits, not thermal limits. This line will  
11 not be stability-limited, so those numbers are way  
12 off. But be that as it may --

13 Q. Well, and here --

14 A. In everyday use, this line will be  
15 carrying energy to Illinois customers all the time.  
16 It's not going to be taking, you know, 15,000  
17 megawatts of energy from the Dakotas and sending it --  
18 with none of it participating in Illinois. Each and  
19 every day, the existing generation and -- and in the  
20 new generation and renewables will all be using this  
21 line.

22 These are not -- these lines are

1 connected at each of the substations along the path,  
2 and so they interact with the local grid. That's  
3 different than generator lead lines, which I described  
4 in my testimony, or even these DC lines that others  
5 have advocated and the Commission will see shortly,  
6 where you build a line that has no connections. It  
7 starts in North Dakota, and it goes all the way across  
8 three, four states, and then stops someplace else.  
9 That's not connected to the grid at all, and it  
10 doesn't participate at all.

11 Electricity isn't -- in the AC world,  
12 alternating-current world, the electricity isn't  
13 tagged. We don't say, "Well, we're going to buy an  
14 electron from North Dakota, and it's going to come  
15 across this line and end up over where whoever bought  
16 it." What actually happens is a giant displacement  
17 thing.

18 It's kind of like waves; right? When you  
19 push your hand on the water and it ripples down, the  
20 wave that you saw with your hand is not the wave that  
21 ends up in Florida; right? Each one of them displaces  
22 the other one. That's what happens with the renewable

1 energy that's going to happen in the Dakotas. It just  
2 displaces energy from other source.

3                   So this line, when it's in service, is  
4 not just passing the stuff by and it's going to be  
5 like a stopgap for the Illinois people. The Illinois  
6 people are going to benefit each and every minute,  
7 every second of the day, with this line, because it's  
8 going to serve them. It's just an alternate source  
9 into that area.

10               Q.     But again, that's not its primary  
11 purpose?

12               A.     Oh, yes, sir. It's exactly -- that's  
13 what the MVPs are. They were combination projects to  
14 deliver renewables as well as reliability benefits.  
15 That's what the MVP was for -- multivalue. M --  
16 that's what the M was for, multi. And I'm sure Mr.  
17 Webb (ph) did a better job describing this than I did,  
18 but I'm just trying to -- that these are not just  
19 local delivery lines. These are lines that are  
20 important every day.

21               Q.     Let's ask it this way. If you took away  
22 one of its capabilities, the local capability or its

1       capability to carry power across the state --

2               A.       Okay.

3               Q.       -- which one would you decide?  Which  
4       one would you take away?  And still have a valuable  
5       product -- project?

6               A.       Well, I mean, for me, of course, I would  
7       take away the ability to deliver across the United  
8       States because I'm all about serving our Illinois  
9       customers reliably.  Right?

10              Q.       Okay.

11              A.       I mean, if New York City can buy cheaper  
12       generation, I don't care.  I mean, if you're going to  
13       ask me, I'm here to defend Illinois.

14              Q.       And let me -- in that defending Illinois,  
15       let me ask you about this proposed route on the  
16       northern section of the Kansas-to-Indiana line where  
17       there could be colocation or even dual circuiting.  
18       Again, do you see any reason why that would be a  
19       specifically bad idea in this plan?

20              A.       No.  No, sir.  Because of the -- because  
21       that -- I looked at that line in relation to the line  
22       that it's going to be paralleled with, and those --

1     that's an acceptable combination.

2                   MR. MORAN:   Thank you.

3                   JUDGE ALBERS:  Nothing further?

4                   MR. MORAN:  Nothing further.

5                   JUDGE ALBERS:  Do we want to hear from  
6     Mr. Gower or Mr. Robertson?  Mr. Gower, you're getting  
7     up, so that's fine.

8                   MR. GOWER:  Robertson keeps leaving.

9                   JUDGE ALBERS:  Oh, all right.

10                  MR. GOWER:  The phantom Rob --

11                  JUDGE ALBERS:  You're up, Mr. Gower.

12                  QUESTIONS BY MR. GOWER:

13                  Q.     Mr. Hackman, my name's Ed Gower, as you  
14     probably heard earlier.  I represent Stop the Power  
15     Lines Coalition, Tarble Limestone Enterprises, and JDL  
16     Broadcasting, who are all located in Clark County.  
17     Let me just start by showing you a copy of STPL Cross  
18     Exhibit Eight.

19                  A.     Thank you, sir.

20                         [Discussion off the record.]

21                  Q.     Mr. Hackman, I've handed you a copy of  
22     STPL Cross Exhibit Eight, which is an e-mail chain

1     that was admitted into evidence yesterday. And my  
2     only question concerns the e-mail on the back of the  
3     first page -- call it the second page, if you will.  
4     It's really double-sided copies. It's an e-mail from  
5     Dave Hiatt of the USDA-NRCS to Mr. Morris of Ameren.  
6     Have you seen that document prior to today?

7             A.     No.

8             Q.     And did you see any of the public  
9     comments that the USDA-NRCS posted on the E-docket  
10    website in this case?

11            A.     No, sir.

12            Q.     And did you see the certified letter that  
13    was sent by -- excuse me -- by the USDA representative  
14    to Ameren's counsel?

15            A.     No, sir.

16            Q.     My exhibits got shorter. Are you  
17    familiar -- I want to make sure we can agree on  
18    nomenclature. Can we call the V to get around the  
19    floodplain easement --

20            A.     The alternative pole placement?

21            Q.     Yes. Would you like to call it the  
22    alternative pole placement?

1           A.     It's my name, yes.

2           Q.     We'll call it the alternative pole  
3 placement. Did you suggest that name to Ms. Murphy?

4           A.     Of course. Yes. It trips right off the  
5 tongue. Yes, sir.

6           Q.     It doesn't trip off my tongue very  
7 easily. I'll tell you that. But I'll use the  
8 alternative -- can we call it a route, or are we just  
9 going to --

10          A.     Yes. Whatever you would like to call it.

11          Q.     We'll call it the alternative pole  
12 placement route. That will be fine. What was your  
13 role in the development of the alternative pole  
14 placement route?

15          A.     I think I was probably the primary  
16 creator of that route.

17          Q.     And when did you create that route?

18          A.     In a webinar with Doni Murphy, and I  
19 think Rick Trelz (ph) was on, Jerry Murberger (ph). I  
20 believe Perry Fife (ph).

21          Q.     And was that a webinar that was conducted  
22 the day that data requests were due to Stop the Power

1 Lines Coalition?

2 A. Honestly, sir, I don't know what day it  
3 was conducted on and the timing relative to that. It  
4 was recently, toward -- in March -- late March.

5 Q. Late March. Did you -- how did you go  
6 about creating the alternative pole placement route?

7 A. Well, what we were trying to accomplish  
8 was to figure out if there were -- if we were -- first  
9 of all, if the floodplain easement actually prohibited  
10 Carolyn Robinson (ph) from giving us an easement, and  
11 if NCRS wouldn't permit us to do it after -- if the  
12 Commission ordered that route -- and so we applied to  
13 them and said, "This is the route the Commission  
14 picked. We need to go over here. What do we need to  
15 do?" And they said no.

16 And then we were trying to figure out,  
17 would that mater -- how would we address that  
18 situation and stay to the route that the Commission  
19 had selected? And so what we did with that was  
20 exactly what we do in practice -- once the Commission  
21 picks a route, is we figure out where the actual  
22 alignment of the easement can go to minimize the

1 impacts on the people whose property that it touches.

2 As you may -- or as you can imagine, when  
3 we get into the -- this aspect of line routing, no one  
4 wants the line anywhere on their property. So even if  
5 I said, "Would you rather have it on the north side of  
6 your property or the south side of the property?", the  
7 answer I get is "neither." So that -- we don't really  
8 get substantive comments.

9 But once the route is picked, and the  
10 Commission says, "It's going on your property," we get  
11 a really good engagement with landowners as to where  
12 they would like the route. So following that same  
13 kind of logic, I said, "So if I was NCRS and I didn't  
14 allow it, where could I move those poles, still within  
15 the confines of where the Commission has ordered the  
16 route to go, not affecting anybody that didn't know  
17 about this so we're not potentially impacting some  
18 unknowing party, and avoid the easement area?"

19 Q. And when you're out and working with  
20 people after the Commission has entered its order with  
21 respect to the route, do people ever come to you and  
22 say, "Geez, Mr. Hackman, I really would appreciate it

1 if you'd just bisect my property instead of running  
2 along the edge of it"?

3 A. That's pretty rare, unless they have some  
4 other purpose for their property. Occasionally -- in  
5 fact, we just had one about a month ago or so where he  
6 actually asked us to go right through the smack-dab  
7 middle, because they were planning on putting a  
8 commercial development on that side, and they wanted  
9 to differentiate that area, so it worked out better  
10 for them for us to bisect because the two buildings --  
11 ended up where the drive path would be under the  
12 transmission line, and that's a compatible use, where  
13 buildings wouldn't be. So it's not very frequent, but  
14 it's not -- I don't want you to get the impression  
15 it's never happened.

16 Q. It's rare; correct?

17 A. It's rare. Correct. It's rare. But it  
18 certainly happens.

19 Q. And did you talk to any of the affected  
20 landowners on the alternative pole placement route,  
21 and did any of them -- actually, did you talk to any  
22 of them?

1           A.     No.

2           Q.     So you don't know whether they prefer  
3     that the project bisect their property as opposed to  
4     going along the edge?

5           A.     No.

6           Q.     The -- did you go out -- when were you  
7     asked to come up with a design to avoid the federal  
8     floodplain easement property?

9                   MS. ZEHR: Your Honor, I'll raise an  
10    objection here. The question assumes an easement  
11    property needs to be avoided, and that's facts not in  
12    evidence.

13                  MR. GOWER: I'll just ask a different  
14    question, Judge --

15                  JUDGE ALBERS: Okay.

16                  MR. GOWER: -- that'll take care of  
17    this.

18           Q.     (By Mr. Gower) Was the purpose of your  
19    alternative pole placement route to avoid using the  
20    federal floodplain easement area?

21           A.     No. It really wa -- let me explain what  
22    we were doing. We were just trying to figure out what

1     were some possibili -- again, we were trying to  
2     provide a complete record in this case for the  
3     Commission to make its best decision.

4                     And so someone thought it would be a good  
5     idea to figure out, if all these things happened, is  
6     there a way to change the pole locations and still not  
7     affect anybody else? Because if the only alternative  
8     poles we could put involved a landowner that wasn't  
9     already notified in the process, we'd want to let that  
10    be known, because otherwise there could be a party  
11    that potentially was harmed. You know, we're trying  
12    to do this -- just establish a good record for a good  
13    decision.

14                    And so we weren't trying -- we're not  
15    proposing that it go there. In fact, I'm proposing  
16    that if the Commission chooses that route, we'd still  
17    go -- we would first figure out, with legal help, to  
18    decide if NCRS even has dogs in the hunt, and then if  
19    they do, decide if we have per -- if we could work  
20    with them to get permission to go over the top, and if  
21    that doesn't work, use the alternative, or talk to the  
22    landowners and see if there are other options -- if

1 the Commission decides that's the best route.

2 This is not a -- this is not a huge deal.

3 I know that it's been the subject of quite a number of  
4 hours of testimony. My classic term for this is  
5 piss-ant. It's a very small little component of the  
6 route that is easily solved.

7 Q. Have you discussed with the property  
8 owners who are affected by this -- would be affected  
9 by this proposed alternative pole placement whether  
10 they consider this to be a piss-ant issue?

11 MS. ZEHR: I --

12 A. Well, I don't mean it to be -- sir, I  
13 don't mean that to be -- I'm using it in the terms of  
14 inconsequential. I came across as other -- it's not.  
15 I'm just saying that we -- every route -- across this  
16 380 miles, we are going to have a lot of these local  
17 location issues that have to be solved, and we will  
18 move the thing around to accommodate this. This -- we  
19 will be able to get around that very well.

20 Q. (By Mr. Gower) How far is this movement  
21 of the alternative pole placement route? How many  
22 additional feet does it add to the line?

1           A.     I think it adds about 1,800 to 2,000  
2 feet, maybe.

3           Q.     And that's the difference between cutting  
4 across the federal floodplain easement and going  
5 around it with the alternative pole placement route?

6           A.     Yes, sir, I think so.

7           Q.     Have you personally visited the federal  
8 floodplain easement area?

9           A.     I have not.

10          Q.     Do you know whether it's hilly in the  
11 area surrounding Big Creek (ph)?

12          A.     It is hilly. I looked at the topo maps.

13          Q.     And were those the topo maps that were  
14 submitted by STPL in this proceeding?

15          A.     I don't know if they offered the same  
16 ones. I've looked at other ones.

17          Q.     And have you determined where your poles  
18 would be placed when you span the -- your idea would  
19 be to put a structure on either side of the flood --  
20 federal floodplain easement area?

21          A.     Right, because --

22          Q.     My que -- just let me ask my questions.

1           A.     I'm sorry.

2           Q.     Is it yes or no? Is your plan to put a  
3 structure on either side of the pole pla -- of the  
4 federal floodplain easement area?

5           A.     It was -- yes -- to avoid poles in the  
6 floodplain area if they wouldn't allow it. Yes, sir.

7           Q.     And what would that distance be that that  
8 pole -- that line would be suspended in the air  
9 between two structures on either side of the federal  
10 floodplain easement area?

11          A.     It looks to me to be on the order of  
12 1,400 to 1,500 feet, depending on the exact -- on  
13 survey points.

14          Q.     And have you identified whether there are  
15 diff -- whether you could -- whether different  
16 elevations on either side where you would be placing  
17 these two structures?

18          A.     Yes, there's elevation changes across  
19 that big river.

20          Q.     And how significant are those elevation  
21 changes?

22          A.     Insignificant.

1 Q. Are they --

2 A. Not significant. I'm sorry.

3 Q. You've identified the exact location  
4 where you would span?

5 A. No. I'm -- what I'm telling you is that  
6 I routinely install structures 400 foot tall. That  
7 elevation change in that area is no more than, I would  
8 say, 50 to 60 feet on the locations that I picked,  
9 because I obviously picked high points to span over.  
10 So if you consider that I can put in a 400-foot-tall  
11 structure, those elevation changes are immaterial to  
12 what I can do.

13 Q. And your plan, if I recall right, was to  
14 put structures in that would not allow the droop in  
15 the line to be any less than 100 feet above the  
16 ground; correct?

17 A. Or whatever the vegetation was that was  
18 in the area. And again, what we're --

19 Q. Well, wait a second.

20 A. The only reason I'm -- I'm sorry. I  
21 would like to answer the question -- and I'm sorry --  
22 the point was, is that I was -- again, these -- all

1     these things that I've talked about were assuming that  
2     we didn't have some other measures with NCRS.  What  
3     we've -- I built over a lot of floodplains.

4                     After the flood of 1993, the government  
5     was involved in a lot of acquisition of properties,  
6     and we continued to build electric lines.  And a lot  
7     of times, they'll give us permission to trim the trees  
8     or to replace the tall trees with smaller trees that  
9     are actually more suitable for wetland environments,  
10    but none of this can be known until such time as the  
11    Commission chooses this route, and then we would  
12    contact NCRS to see if they would have another  
13    mitigator.  But what I was trying to describe is that  
14    we can handle this thing, and so if we have to, we can  
15    go that high.  That's what I'm trying describe for  
16    you.  Not that we would, but that we can.

17                    MR. GOWER:  Your Honor, I move to strike  
18    that entire answer.  I asked him whether his proposal  
19    was to string two -- string the line across so that it  
20    would droop no more than 100 feet.  That wasn't  
21    responsive to the question.

22                    MS. ZEHR:  Your Honor, initially he did

1     respond "yes."

2                     MR. GOWER:   That was the --

3                     MS. ZEHR:    So the entire answer was  
4     not --

5                     JUDGE ALBERS: All right.  Everything  
6     after "yes" is stricken.

7                     MR. GOWER:   I don't think he responded  
8     "yes."

9                     Q.     (By Mr. Gower)  I want to direct you to  
10    your testimony, sir, Page 33.  I'm working off your  
11    original rebuttal testimony.  Did you file subsequent  
12    revisions, Mr. Hackman?

13                    A.     I'm sorry --

14                    Q.     Did --

15                    A.     I'm looking at the revised rebuttal  
16    testimony dated May 8th, and I was looking on Page 33.  
17    Is that where you're directing, sir?

18                    Q.     I don't have the second revised rebuttal  
19    testimony with me, but the language that I'm looking  
20    at is Line 680 on my copy on your original testimony.  
21    And the question was, "Can ATXI construct the primary  
22    route so that the lines do not impact the easement

1 area?"

2 And your answer was, "Yes. It also is  
3 possible to construct the transmission lines so that  
4 no structures are placed within the federal -- within  
5 the floodplain easement area, and to design the lines  
6 so the lowest point of sag is 100 feet or higher,  
7 which is taller than any tree." Do you see that?

8 A. Yes, sir.

9 Q. And you went on to say, "Therefore, there  
10 would be no interference with vegetative cover,  
11 floodplain protection, or runoff and erosion control.  
12 The only impact to the easement property would be  
13 overhanging wires." Do you see that?

14 A. Yes, sir.

15 Q. So it was your suggestion that you could  
16 put structures on either side such that the sag in the  
17 line would never be less than 100 feet from the  
18 ground; is that correct? It's your testimony, isn't  
19 it?

20 A. Mr. Gower, what -- the difference is, is  
21 what I was saying is it's possible to construct, and  
22 your previous question that I was trying to address

1 was it was my proposal to do that.

2 Q. I understand.

3 A. That's why I was trying to clarify, which  
4 was all stricken. It is certainly possible for us to  
5 construct on either end exactly as I've described in  
6 my testimony. Yes, sir.

7 Q. When you said in your testimony that 100  
8 feet or higher was taller than any tree, did you  
9 consul -- let me strike that. In listening to Ms.  
10 Murphy's testimony, she has a degree in forestry;  
11 correct?

12 A. I think I heard her say that, but I  
13 couldn't remember if it was environmental forestry or  
14 something, so I --

15 Q. She was -- she's your lead environmental  
16 consultant for this project, is she not?

17 A. That's correct. Yes, she is.

18 Q. And so she would be a good source of  
19 information as to how tall trees might grow; is that  
20 correct?

21 A. Probably not as good as my vegetation  
22 management staff, but she'd be good.

1           Q.     Did you go to your vegetation management  
2     staff to find out whether or not no tree would ever  
3     grow taller than 100 feet?

4           A.     I -- yes, I did. I asked them, in this  
5     floodplain area, what's a typical height of structures  
6     that would be expected, because the areas that flood  
7     tend to produce sometimes less taller trees because of  
8     the root structure. So --

9           Q.     And did you consult with NCRS concerning  
10    their plans for this floodplain easement area?

11          A.     No, sir.

12          Q.     Do you know how tall a northern pecan  
13    tree would normally grow?

14          A.     No, sir.

15                 MS. ZEHR: Objection --

16          Q.     (By Mr. Gower) Do you know how tall --

17                 MS. ZEHR: Objection, Your Honor. The  
18    witness has said he's not a vegetation specialist, and  
19    that these questions were better directed to Ms.  
20    Murphy.

21                 MR. GOWER: This is a guy who says no  
22    tree -- he's testified no tree grows taller than 100

1 feet, and he's going to string lines across the  
2 flood -- federal floodplain area, and I just want to  
3 ask about the trees that have been planted there.

4 JUDGE ALBERS: All right. You can  
5 explore the basis for his statement, but as far as  
6 identifying every tree that might grow in that area, I  
7 don't want to sit here and listen to that, so --

8 MR. GOWER: All right.

9 Q. (By Mr. Gower) When you -- how much --  
10 if you were going to put a 400-foot structure --  
11 what's your -- what's the normal height of your  
12 structures on this proposed line?

13 A. I think we've stated between 140, I  
14 think, and 160, I think.

15 Q. And what kind of structures are those?  
16 What are they constructed of?

17 A. Steel monopoles.

18 Q. And what's the -- what does a 400-foot  
19 structure look like?

20 A. It looks like whatever you want it to  
21 look like.

22 Q. They're custom-designed?

1           A.     No.    I mean, it can be steel monopole.

2     It can be lattice screen (ph).   It can have Mickey

3     Mouse ears.   I mean, it can do anything.   Seriously.

4     I mean, Disney has them, so I mean -- it can look like

5     whatever you want it to look like.

6           Q.     They're available in the marketplace --

7           A.     Yes.   Sure.   Absolutely.

8           Q.     -- with mouse ears?

9           A.     Mouse ears, yes.

10          Q.     Well, would you use mouse ears here?

11          A.     If you want them.

12          Q.     I obviously don't want them.

13          A.     Okay.   That's fine.

14          Q.     The -- are -- and 400-foot structures are

15     readily available in the marketplace?

16          A.     Sure.   Absolutely.

17          Q.     And what's the relative difference in

18     cost with a 400-foot structure?

19          A.     It would probably add \$200,000 to the

20     structure, probably.

21                   JUDGE ALBERS:   Compared to what?   400

22     compared to what?

1                   MR. GOWER: Compar --

2                   A.     To a hundred and fifty or sixty, is what

3     I assumed he meant.

4                   JUDGE ALBERS: Okay.

5                   A.     Thank you, Your Honor.

6                   Q.     (By Mr. Gower) It would add \$200,000 to

7     each structure --

8                   A.     Proba --

9                   Q.     -- so \$400,000 if you used two? Would

10    you have to use more than two?

11                  A.     No, sir.

12                  Q.     So you would ramp up from 150 to 400 feet

13    and then go across?

14                  A.     Yes, sir.

15                  Q.     And hope you don't hit a tree?

16                  A.     Yes. We'd use really tight tensions on

17    the tall ones. And it wouldn't have to be 400. Even

18    if a tree grew 110 -- 100 was an illustrative thing.

19    Whatever the height of the tree is that we think we

20    have to go over, we'd use tight wire there, and we'd

21    slack-span off the top one down to the lower one, so

22    that's exactly what we would do.

1           Q.     And did you -- and if I asked this, I  
2 apologize -- but did you talk to the NRCS about  
3 whether or not they would permit you to span their  
4 federal floodplain easement area?

5           A.     I did not talk to NCRS.

6           Q.     Have you ever set foot in the Natural  
7 Resources Conservation Services office in Clark  
8 County?

9           A.     I have not.

10          Q.     And would you agree that whether the NCRS  
11 would ever consider allowing you to string a 345 kV  
12 line across the federal floodplain easement, at least  
13 100 feet above the ground, would depend upon NRCS'  
14 plans for use of the federal floodplain easement area?

15                 MS. ZEHR: Your Honor, I'll object. This  
16 question calls for Mr. Hackman to speculate as to what  
17 the NRCS is intending.

18                 MR. GOWER: I just asked him if it would  
19 depend upon what use the NRCS might be making of the  
20 property.

21                 MS. ZEHR: And it necessarily implies a  
22 use that we don't have in the record.

1 JUDGE ALBERS: I'll allow the question.

2 Q. (By Mr. Gower) Do you want me to repeat  
3 it?

4 A. No, I think I got it. But if I don't get  
5 it, I'm sure you'll come back. So first of all, it  
6 presumes that we actually have to deal with NCRS. But  
7 assuming we do have to deal with NCRS, we obviously,  
8 yes, sir, in answer to your question, we would  
9 definitely want to talk to NCRS about what their  
10 long-term plans are and accommodate our use with their  
11 use if possible. Does that adequately answer the  
12 question, sir?

13 Q. It does.

14 A. Thank you, sir.

15 Q. Let's talk a little bit about maintenance  
16 if you chose to span the federal floodplain easement  
17 with a wire strung 100 feet in the air or more. Would  
18 you take a look at -- again, I'm working off your  
19 original testimony, but it's Line -- it's Page 32, and  
20 it's Lines Six --

21 A. Mr. Gower -- the rebuttal testimony --

22 Q. Rebuttal testimony.

1           A.       -- or original testimony?

2           Q.       Rebuttal testimony. I apologize.

3           A.       Okay. Again, I'm sorry.

4           Q.       And the language is in the -- on my copy,  
5 anyway -- it starts at Line 664 --

6           A.       Yes, sir.

7           Q.       -- and continues on to 669. It starts  
8 with the question, "How do you respond to those  
9 concerns concerning maintenance and repair of the  
10 project?" And you answered, "Maintenance and repair  
11 of transmission lines after construction is  
12 non-invasive. Generally, maintenance consists of an  
13 individual utility line worker walking in the  
14 construction line easement twice a year for  
15 inspection. Repair also is limited to the easement  
16 owned by the utility, and when it does occur, it's not  
17 a regular event. As such, there should be no concern  
18 that post-construction maintenance and repair of the  
19 project facilities will be a nuisance." Do you see  
20 that?

21          A.       Yes, sir.

22          Q.       Would you -- if you put -- strung this

1 line up 100 feet in the air over the federal  
2 floodplain easement area, would you also anticipate  
3 receiving an easement to walk the ground beneath  
4 the -- beneath those lines for maintenance purposes?

5 A. Again, it would depend on NCRS, but we  
6 wouldn't have to. We span the Mississippi River, and  
7 nobody's walking across it, even though some of them  
8 think they're God.

9 Q. And are your structures attached to the  
10 bridge when you span the Mississippi River? Are they  
11 supported?

12 A. No. No.

13 Q. So how would you maintain the line if it  
14 was strung across there, without touching the  
15 floodplain easement area?

16 A. Helicopter's one way. There's also -- we  
17 can go out on an apparatus that goes across the wire.  
18 It depends on what the nature of the repair is. I  
19 mean, if the wire falls down, we can put it back up  
20 with a helicopter. If it's just a maintenance  
21 issue -- we've got a splice that's been burned by  
22 lightning -- workers can travel down the wire when

1 it's in de-energized state, and make the repair, and  
2 then come back. Don't have to touch the ground to fix  
3 it. Could use a crane, use a sky crane. We've got a  
4 lot of different venues, because we cross lots of  
5 gorges and things.

6 Q. And have you calculated what your  
7 increased maintenance costs would be if you chose to  
8 span the federal floodplain easement area?

9 A. It would -- again, the probability of  
10 that happening is very small, so the actual cost is --  
11 you multiply probability times risk to come up with  
12 cost. It's a very small number, because the  
13 probability is so small.

14 We don't routinely have to repair these  
15 things. It's not like we're in there every year  
16 fixing broken things. A lot of our wires haven't been  
17 touched in 80 years, so if the chance of something  
18 happening is one-in-80, but it costs an extra \$5,000,  
19 today's cost might be 60 bucks.

20 Q. You do semiannual inspections, though,  
21 where you can get to the lines easily; correct?

22 A. The reason for the semiannual inspections

1 is for vegetation management, but in this case, on the  
2 assumption that we would span over, there would be no  
3 vegetation management required because we wouldn't be  
4 managing any vegetation, and then all -- we wouldn't  
5 have to go into the easement at all because the  
6 structures would be outside, and we could -- our  
7 aerial surveys will detect the wire issues, if any.

8 Q. Earlier you said that poles do collapse  
9 regardless of what kind of poles they are.

10 A. Sir?

11 Q. And this may be a really stupid question  
12 because I have no idea what the answer is, but what  
13 happens if a 345 kV line live wire falls in the drink,  
14 and there's like six inches of floodplain water  
15 covering that area? What's the impact of the  
16 electrical charge into the water?

17 A. It -- which -- the lines are protected  
18 with very high-speed relaying, so -- I mean, you would  
19 bubble some water -- just as if it hit a farm field.  
20 Whatever -- I mean, it's a very short -- it's five  
21 cycles, which is -- there are 60 cycles in a second,  
22 so it's 5/60ths of a second, it will be -- that it

1 will be de-energized. Oftentimes -- we use very  
2 sophisticated relaying on these 345 kV lines, and so  
3 oftentimes we can even detect it as it's falling, so  
4 before it ever contacts anything, the circuit has been  
5 de-energized.

6 Q. Have you ever been involved in a project  
7 where -- that required an environmental assessment  
8 under the National Environmental Protection Act?

9 A. I am -- I have been lead engineer or  
10 project manager for those projects. I haven't done  
11 environmental stuff -- I'm not sure what your question  
12 was.

13 Q. I just wondered if you had any experience  
14 with how long it takes to get an environmental  
15 assessment comp --

16 A. Oh, I have some experience with that.  
17 Yes, sir.

18 Q. And what's your experience? How long  
19 does that take?

20 A. If it's a simple just environmental  
21 assessment, sometimes we can get it within a month or  
22 two, because they make a superficial sweep of

1 available data and find there's no impact. And if  
2 it's a full-blown investigation -- and depending on  
3 what species may be involved -- it can be -- typically  
4 for us, it's a year or so. It can go to three years.  
5 And it just depends on what the nature of  
6 the environment is.

7 MR. GOWER: Okay. Fair enough. Thank  
8 you. I have no further questions.

9 JUDGE ALBERS: Mr. Robertson, do you have  
10 any questions?

11 MR. ROBERTSON: I've just got a few, Your  
12 Honor. It won't take very long, I don't think.

13 QUESTIONS BY MR. ROBERTSON:

14 Q. Good morning, Mr. Hackman. My name is  
15 Eric Robertson. I represent the Moultrie County  
16 Property Owners, MCPO. Is it correct that you are the  
17 project sponsor for this project, according to ATXI  
18 Exhibit 3.1 attached to your testimony?

19 A. That's true. I'm just checking the  
20 exhibit to make sure it says that. Yes, sir.

21 Q. And as such, are you second on that  
22 organizational chart to Ms. Borkowski?

1           A.     That's true.

2           Q.     And you are currently manager of  
3     transmission operations for Ameren Services Company;  
4     is that correct?

5           A.     We had a title change, and I said that in  
6     my testimony. Managers are now called directors, so  
7     I'm a director, but yes, for all intents and  
8     purposes --

9           Q.     Same responsibilities?

10          A.     Same exact job. Right.

11          Q.     In that decision, you lead the department  
12     that designs, constructs, maintains, and operates  
13     Ameren's transmission systems, including the  
14     transmission systems and facilities of ATXI; is that  
15     correct?

16          A.     That is correct.

17          Q.     Now, in your role as project sponsor, are  
18     you familiar with the stipulation that was entered  
19     into between MCPO and ATXI?

20          A.     Yes, sir.

21          Q.     And are you also familiar with the  
22     stipulated route recommended by ATXI and MCPO in that

1 stipulation?

2 A. Yes, sir.

3 Q. And do you understand that the MCPO route  
4 proposed for Mount Zion to Kansas is part of the  
5 stipulated route recommended by ATXI and MCPO?

6 A. Yes, sir.

7 Q. And are you familiar with -- generally  
8 familiar with the MCPO route for Mount Zion to Kansas  
9 as proposed in MCPO's direct testimony?

10 A. Yes, sir.

11 Q. Is it your opinion that the MCPO route  
12 from Mount Zion to Kansas is constructible?

13 A. Oh, yes, sir.

14 Q. And is it correct that a portion of the  
15 MCPO route from Mount Zion to Kansas will parallel  
16 existing transmission facilities?

17 A. Yes.

18 Q. Is it correct that you did not discuss  
19 the MCPO Mount-Zion-to-Kansas route in your rebuttal  
20 testimony?

21 A. That's also correct.

22 Q. Now, in your cross-examination today, you

1     talked about the balancing of societal/environmental  
2     impacts against Ameren's concerns about paralleling,  
3     and sometimes that balance tipped in favor of the  
4     societal/environmental impacts --

5             A.     That's --

6             Q.     -- to justify paralleling; is that  
7     correct?

8             A.     That's correct.

9             Q.     Now, would it be correct to say that  
10    Ameren's balancing -- I'm sorry -- that the balancing  
11    of concerns about paralleling and reduced  
12    environmental and societal impacts associated with  
13    MCPO's Mount-Zion-to-Kansas route -- that -- strike  
14    that. That -- in balancing the environmental -- let  
15    me try to figure out how I want to say this. Would it  
16    be correct that, in conducting that balancing here,  
17    ATXI concluded that the reduced societal and  
18    environmental impacts associated with MCPO's  
19    Mount-Zion-to-Kansas route justified paralleling in  
20    this particular instance?

21            A.     Yes, that's exactly how we came to that  
22    conclusion.

1                   MR. ROBERTSON: I have nothing further of  
2 this witness.

3                   JUDGE ALBERS: Thank you. Any -- staff  
4 waived any questions they had? Is that correct?

5                   MR. GOWER: That's correct, Your Honor.

6                   JUDGE ALBERS: Okay. Mr. Hackman, I just  
7 have one question based on --

8                   MR. OLIVERO: Judge, I think Mr. Moran  
9 had some follow-up. No?

10                  MR. MORAN: No. I'm good.

11                  Mr. OLIVER: I misunderstood. I'm sorry.

12                  JUDGE ALBERS: Okay. Well, won't worry  
13 about that then.

14                  QUESTIONS BY JUDGE ALBERS:

15                  Q.     Something you said in response to Mr.  
16 Gower caused some confusion in my mind. I think if  
17 you look at -- you still have up there Exhibit 13.8?  
18 Just for reference.

19                  A.     I don't -- let me see. Just a minute.  
20 13.8, One of Five -- is that it?

21                  Q.     Same thing, yes.

22                  A.     Okay.

1           Q.     I think I heard you tell Mr. Gower that  
2     ATXI's preference is to -- strike that. Let me back  
3     up a step. I'll just refer to it as a blue line now  
4     since the preferences have changed, so the teal or  
5     blue line on there, the southernmost one -- I think I  
6     heard you say in response to a question by Mr. Gower  
7     that ATXI's preference is to still have the  
8     transmission line cross over the federal floodplain  
9     easement area? Is that --

10           A.     No. If I said that, I didn't mean to say  
11     that. What I was trying to imply was, if the  
12     Commission were to choose that route, the first thing  
13     we would try to do would be to see if we could work --  
14     well, first of all, to see if NCRS actually governed  
15     the floodplain easement area -- in other words,  
16     whether they have, like I said, a dog in the hunt.

17                     And assuming that they did, then we would  
18     try to work with them to figure out, is there a way to  
19     go over that that's compatible with their use? What  
20     we find with many federal agencies is that we can put  
21     in -- we have a dedicated vegetation management staff,  
22     and so many times what they want -- when you --

1     whether it's NCRS, or Corps of Engineers, or any of  
2     the federal agencies that govern floodplains --  
3     they're really trying to come up with compatible  
4     native species that will provide wildlife cover but  
5     also can be inundated with water as needed.

6                     And so we can plant in that area for them  
7     species that are compatible with our use and  
8     compatible with the floodplain use so the government's  
9     interests are well-protected, and it minimizes the  
10    total cost of the transmission line, which is good for  
11    all of us because we all pay for it.

12                    And so that would be -- our first choice  
13    would be to go to NCR -- assuming they have a dog in  
14    the hunt -- my words -- we would talk to them about  
15    going straight through, and then if they couldn't  
16    allow that under any circumstance, then we would try  
17    to work within the confines of the route that the  
18    Commission chose to go around using the alternative  
19    pole placement.

20                    Q.     Okay.

21                    A.     Is that better?

22                    Q.     I'll tell you why I'm confused.   Your

1 first choice is to still try to have it over the  
2 floodplain --

3 A. Yes.

4 Q. -- if you can?

5 A. If everyone wins, that's what would be  
6 the best. Right. Yes.

7 Q. And then -- I'm only asking because I  
8 think -- it might have been Tuesday of this week, I  
9 think I was trying to clarify the same issue -- I  
10 thought -- and maybe I understood that Ms. Segal was  
11 telling me that Ameren now wanted to -- preferred to  
12 dip down below. So if you're telling me, as the  
13 witness, that the preference and the first effort will  
14 be to go over, that's fine. I just want to make sure  
15 I understand what the preference is.

16 A. Yes.

17 Q. So -- okay.

18 A. Again, subject to whatever the NCRS can  
19 allow.

20 Q. Right.

21 A. Right. Yes.

22 Q. Okay. And then -- but regardless,

1     though, the rebuttal recommended route is the orange  
2     or -- the orange route on this document; correct?

3             A.     I got -- yes, sir. I know the -- I got  
4     it as yellow and black on my One of Five -- 13.8 --  
5     and it leaves Kansas and heads --

6             Q.     So the rebuttal recommended route is in  
7     fact --

8             A.     Is that right? No. Do I have it wrong?

9                     MS. ZEHR: No. I'm not sure if you  
10     can --

11             A.     I can't --

12                     MR. STURTEVANT: It's orange.

13                     MS. ZEHR: It's the orange.

14             A.     Oh, orange. There it is. Sorry.

15                     JUDGE ALBERS: Okay.

16             A.     I'm sorry.

17                     JUDGE ALBERS: You almost got what you  
18     wanted there, didn't you?

19             A.     No. I'm sorry.

20                     MR. GOWER: What's that?

21                     JUDGE ALBERS: You almost got what you  
22     wanted there?

1                   MR. GOWER: No, no. We support the  
2 rebuttal preferred route, and -- which is the original  
3 ATXI --

4           A.       See, I don't have --

5                   MR. GOWER: -- original ATXI alternate  
6 route.

7                   JUDGE ALBERS: Okay. So --

8           A.       Yes. I don't have the right map for  
9 this --

10                   MS. ZEHR: Yes. This is the map that Mr.  
11 Moran handed --

12           A.       Yes, I've got the wrong thing. I got  
13 the --

14                   MS. ZEHR: Mr. Hackman -- I think it's  
15 causing some confusion.

16           A.       Yes, I don't have -- I've got RCEC Cross,  
17 not MCPO Cross. Sorry.

18           Q.       (By Judge Albers) I just want to make  
19 sure I understand what it is -- the first choice is  
20 now, so -- which document are you looking at right  
21 now?

22           A.       Now I'm looking at -- what I -- what is

1     labeled to me by Mr. Moran is RCECCC -- I may have too  
2     many C's there -- Cross One.

3             Q.     And it's got ATXI Exhibit 13.8?

4             A.     Yes.

5             Q.     Page One of Five?

6             A.     One of Five.

7             Q.     That's what I have in my hand.

8             A.     Yes.

9             Q.     So looking at that one, since you and I  
10     are the ones talking right now, and we're --

11            A.     I think -- right. I think it's an  
12     orangish-colored line, if I'm looking at this right.

13            Q.     So that's basically the middle line?

14            A.     Is that what you have?

15            Q.     Yes. Yes. Orangish. And it follows the  
16     section -- I'm sorry -- it follows the county line  
17     between Edgar and Clark County?

18            A.     Right.

19            Q.     Yes. Okay.

20            A.     Exactly. Right on the line.

21            Q.     And that's the preferred rebuttal  
22     recommended route now?

1           A.     That is correct.

2           Q.     Okay.  That's all I wanted to --

3           A.     I'm sorry.

4           Q.     That's okay.  I just wanted to make  
5     sure --

6           A.     I was reading the text wrong.

7           Q.     That's fine.  I just wanted to make sure  
8     that I understand what the preference is.

9                   JUDGE ALBERS:  So -- okay.  That was it.  
10    Thank you.  Did you have any redirect?

11                  MS. ZEHR:  May we have a moment?

12                  JUDGE ALBERS:  Sure.

13                  MS. ZEHR:  Thank you, Your Honor.

14                  [A brief recess was taken.]

15                  JUDGE ALBERS:  Back on the record.

16                  MS. ZEHR:  Your Honor, ATXI has no  
17     redirect for this witness.

18                  JUDGE ALBERS:  Okay.

19                  MS. ZEHR:  Thank you.

20                  JUDGE ALBERS:  All right.  Any objection  
21     then to the admission of Mr. Hackman's testimony?

22                  MR. GOWER:  No objection.

1 JUDGE ALBERS: Hearing no objection, then  
2 ATXI Exhibit 3.0 Second Revised, 3.1 through 3.3, 3.4  
3 Third Revised, 12.0 Revised, and 12.1 are admitted.

4 [Whereupon, ATXI Exhibit 3.0 Second  
5 Revised, 3.1 through 3.3, 3.4 Third  
6 Revised, 12.0 Revised, and 12.1 were  
7 admitted into evidence.]

8 JUDGE ALBERS: Thank you, Mr. Hackman.  
9 Okay. As I understand it, that was our last witness  
10 to actually take the stand. We still have several for  
11 whom there are outstanding testimony. Does anyone  
12 care to move their witnesses' testimony in by  
13 affidavit now?

14 MR. GOWER: Your Honor, as I indicated  
15 earlier, I'm prepared to move for the admission of Mr.  
16 Perry Barrett testimony via affidavit.

17 JUDGE ALBERS: That's fine. If you're  
18 ready to go -- you're sitting right there, so please  
19 do.

20 MR. GOWER: Your Honor, as we -- I'm just  
21 trying to get a date. I believe we filed Mr. Perry  
22 Barrett's testimony as STPL Exhibit 1.0 on March 28th

1 via E-docket. We have today filed an affidavit by Mr.  
2 Barrett attesting to his testimony and verifying it.  
3 There were, I believe -- you'd have to give me a  
4 moment to count them -- along with Mr. Barrett's  
5 original testimony, we had filed 24 exhibits, and they  
6 were numbered STPL Exhibits 1.1 through 1.25, and we  
7 would move for the admission of those. Do I have the  
8 numbers off?

9 JUDGE ALBERS: The list you gave us says  
10 1.1 through 1.29.

11 MR. GOWER: Well, then it's 1.29. I  
12 apologize.

13 JUDGE ALBERS: Okay. And I'm sorry.  
14 What was the exhibit number for the affidavit?

15 MR. GOWER: It is -- I'm sorry -- it is  
16 STPL Exhibit 18.0. 18 point zero.

17 JUDGE ALBERS: Any objection then to STPL  
18 Exhibits One through 1.29 and 18.0? Hearing no  
19 objection, they are admitted.

20 [Whereupon, STPL Exhibits 1 through 1.29  
21 and 18.0 were admitted into evidence.]

22 JUDGE ALBERS: Then, Mr. Gower, you had

1 moved for the admission of Laura DeGrodénhouse's (ph)  
2 testimony earlier; correct?

3 MR. GOWER: DeGrodénhouse -- yes, I did,  
4 Your Honor.

5 JUDGE ALBERS: Okay. Yes.

6 MR. GOWER: And it was admitted.

7 JUDGE ALBERS: I thought that was --

8 MR. GOWER: Thank you.

9 JUDGE ALBERS: Thank you.

10 MR. GOWER: We also -- yesterday, I had  
11 promised you that we would file a motion requesting  
12 that you take judicial notice of public records, and  
13 we filed that via E-docket today along with the  
14 supporting affidavit.

15 JUDGE ALBERS: Okay. That's -- okay.  
16 Thank you. I hadn't seen that yet. That's fine.  
17 Anything further then?

18 MR. GOWER: I'm out.

19 JUDGE ALBERS: You're out? All right.

20 Mr. Moran, you had some exhibits then?

21 MR. MORAN: Yes, Your Honor. For Rural  
22 Clark and Edgar County Concerned Citizens, our first

1 exhibit was Exhibit 1.0, which is the revised direct  
2 testimony of George Orin -- O-R-I-N. The second  
3 exhibit is -- and by the way, that was filed on  
4 E-docket on May 10th of this year.

5 Our second exhibit is Exhibit 2.0, which  
6 is our support document for the alternate routes  
7 proposed by Stop the Power Lines, which was originally  
8 filed on E-docket on May 3rd. And today I will have  
9 the affidavit of Mr. Orin, and that will be our  
10 Exhibit 3.0, and I'll file that on E-docket along with  
11 the copies of the other two documents that are  
12 suitably marked or appropriately marked, because I  
13 didn't mark them before.

14 MR. STURTEVANT: Sorry. Can you just --  
15 I didn't catch the two attachments to Mr. Orin's  
16 testimony, I think you said.

17 MR. MORAN: No, there's no attachments.

18 MR. STURTEVANT: So there was Mr. Orin's  
19 testimony and then --

20 MR. MORAN: The support document, support  
21 for the alternate routes.

22 MR. STURTEVANT: Which document is that?

1                   MR. MORAN: It was filed originally on  
2     May 3rd, 2013. You filed a motion to strike. It was  
3     denied.

4                   MR. STURTEVANT: Is that the notice  
5     document?

6                   MR. MORAN: Right.

7                   MR. STURTEVANT: I'm going to object to  
8     the admission of that into the record when the time  
9     comes. I'm not sure we're there yet.

10                  JUDGE ALBERS: I think we're there.

11                  MR. STURTEVANT: Yes, Your Honor, I  
12     object. It was a notice. We move to strike it.  
13     Obviously, the notice -- the motion was denied, but  
14     nevertheless, it's not been marked as an exhibit.  
15     It's not sponsored by any witness. It's not supported  
16     by any witness' testimony. There would have been no  
17     opportunity to cross-examine anybody on the notice,  
18     because there was no witness sponsoring the notice or  
19     talking about the notice.

20                  So for those reasons, I don't think  
21     it's -- as a pleading, obviously it's fine and in  
22     accordance with your order, but I don't think it's

1 appropriate to admit it into the evidentiary record,  
2 because it hasn't gone through any of the processes.  
3 It was filed after the respective (ph) deadlines for  
4 testimony and the like.

5 MR. MORAN: Actually, Your Honor, it  
6 contains a snippet of testimony from Mr. Orin for his  
7 reasons why our organization supports the alternate  
8 routes. Therefore, it does contain testimony -- was  
9 originally in his original direct testimony. It was  
10 stricken.

11 I've admitted throughout that we moved it  
12 to the support document, because it was the reasons  
13 why we support these alternate routes. So it in fact  
14 does include testimony, and my client's affidavit will  
15 in fact re-allege and reaffirm that testimony. There  
16 is part of the document that I agree is a pleading,  
17 and constitutes argument, but there is testimony  
18 that's included.

19 MR. STURTEVANT: Your Honor, I think  
20 counsel has just acknowledged that it contains  
21 testimony from Mr. Orin that was previously stricken,  
22 so I don't believe that it's appropriate to now put

1     that back at this time, not to mention the issues with  
2     procedural schedule, setting specific dates for the  
3     filing of testimony.

4                     JUDGE ALBERS:   All right.   I think we  
5     will admit Exhibit 1.0, the revised testimony, and  
6     3.0, the affidavit, and not admit the filing.

7                     [Whereupon, RCECCC Exhibits 1.0 through  
8                     3.0 were admitted into evidence.]

9                     [Whereupon, ATXI Cross Exhibit 7 was  
10                    marked for identification.]

11                    MR. STURTEVANT:   In addition, Your Honor,  
12     we have a cross exhibit, which contains some data  
13     responses from Mr. Orin, whose admission we stipulated  
14     to in lieu of his cross-examination.   It's been marked  
15     as ATXI Cross Exhibit Seven.

16                    JUDGE ALBERS:   Any objection to ATXI  
17     Cross Exhibit Seven?

18                    MR. MORAN:   No.

19                    JUDGE ALBERS:   Hearing none, then it is  
20     admitted.

21                    [Whereupon, ATXI Cross Exhibit 7 was  
22                    admitted into evidence.]

1 JUDGE ALBERS: Anything further?

2 MR. MORAN: No.

3 JUDGE ALBERS: All right.

4 MS. ALLEN: Your Honor, if I may. This  
5 is Donna Allen (ph). I'm up in Chicago.

6 JUDGE ALBERS: Yes. Go ahead.

7 MS. ALLEN: I -- in regard to -- I had  
8 sent an e-mail to you this morning, but I had also  
9 issued a notice in support of the Stop the Power Lines  
10 second alternative route, and I did not think to  
11 mention that when I submitted my testimony two days  
12 ago to you on the phone.

13 JUDGE ALBERS: Okay. Go ahead.

14 MS. ALLEN: Would it be possible for me  
15 to do that in the hearing today?

16 JUDGE ALBERS: I'm trying to remember the  
17 document you submitted. I just don't off the top of  
18 my head recall that. Is that something you sent to  
19 the clerk -- Chief Clerk's office?

20 MS. ALLEN: Yes.

21 JUDGE ALBERS: Okay. I'm going to try to  
22 find that here so I can have it in front of me while

1     you're -- and decide what to do.

2                     MS. ALLEN:   May 9th.

3                     JUDGE ALBERS:  That helps.  Thank you.

4                     JUDGE YODER:  It's -- direct testimony.

5                     JUDGE ALBERS:  Oh, okay.  Was this  
6     document served on the other parties?

7                     MS. ALLEN:  Yes, it was.

8                     JUDGE ALBERS:  Okay.

9                     MS. ALLEN:  Via e-mail.

10                    JUDGE ALBERS:  Okay.  All right.  Well,  
11     is there any objection to including this in the  
12     record?

13                    MR. STURTEVANT:  Your Honor, if it is  
14     what I understand it to be, I believe it's a similar  
15     notice of support.  I am not aware of it having  
16     been -- I'm not sure it's on E-docket.  In light of  
17     your rulings today and earlier, if it's going onto the  
18     record as a pleading, we wouldn't have an objection in  
19     light of your record.  If it's being moved as  
20     evidence, we would have an objection for the same  
21     reasons that I just articulated with respect to Mr.  
22     Orin.

1 JUDGE ALBERS: Yes, it is on E-docket.

2 That's what we're looking at up here. I think -- yes,  
3 we will not include it as evidence, consistent with  
4 the ruling regarding Mr. Orin's notice. Ms. Allen, do  
5 you want me to explain that further, or --

6 MS. ALLEN: If you could, please.

7 JUDGE ALBERS: Okay. Having just looked  
8 at your filing here on E-docket up here on the bench,  
9 it appears to be basically responsive to STPL's  
10 alternative route and the mitigating support for that,  
11 and had you wanted to do that, the time would have  
12 been the April 12th date when the staff and the  
13 intervenors submitted rebuttal testimony to each  
14 other.

15 MS. ALLEN: I understand that. And I  
16 tried to explain in the notice why I was delinquent in  
17 filing my support.

18 JUDGE ALBERS: Okay. I missed that part  
19 then -- looking at right now. Do you want to refresh  
20 my recollection?

21 MS. ALLEN: Well, my argument is that --  
22 and I apologize because I haven't kept track of

1 everybody else's submissions, so I wasn't aware of  
2 Stop the Power Lines' alternative route. And I --  
3 Number Seven -- on May 1st, the stipulation between  
4 ATXI and Stop the Power Lines and everything  
5 eliminated their primary route. And in my thought,  
6 that completely changes how it impacts me and the  
7 other people that are on -- quote -- "now the primary  
8 routes."

9 JUDGE ALBERS: Well, I think STPL's  
10 alternative routes are still on the record, the  
11 testimony having been admitted into the record  
12 already. STPL, as I can understand the stipulations,  
13 simply no longer -- that's one of the stipulated  
14 agreements -- right -- STPL?

15 MR. STURTEVANT: That's correct, Your  
16 Honor.

17 MR. GOWER: Yes, it is.

18 JUDGE ALBERS: Okay. I think STPL is now  
19 advocating for a different path now.

20 MR. STURTEVANT: And Your Honor, I, just  
21 as a possible suggestion, would say that -- given what  
22 you just said, it's certainly possible for parties in

1     brief to state their position in briefing without  
2     having to admit this into the evidentiary record.

3                   JUDGE ALBERS:  Oh, right.  Yes.  I --  
4     later, I'll remind the parties when the deadlines are  
5     for the briefs, and anybody can file a brief that  
6     would indicate their position there, what they  
7     support.  And basically, you're implying the facts,  
8     the law, vice versa.  So does that help you any, Ms.  
9     Allen?

10                  MS. ALLEN:  I suppose, yes.  Thank you.

11                  JUDGE ALBERS:  Okay.  Anyone else have  
12     any testimony or exhibits they'd like to enter in  
13     today?  Still have a couple outstanding.

14                  MR. STURTEVANT:  We do, Your Honor.

15                  MR. KALB:  Judge, I just have a  
16     housekeeping matter.  Earlier, I mentioned that Mr.  
17     Edwards was supposed to testify today (inaudible), and  
18     we reached an agreement with ATXI's attorney to answer  
19     some data requests in lieu of his testimony, and he's  
20     out in the fields now, and I have not been able to get  
21     his affidavit returned to me as of yet.  So that  
22     affidavit will be marked as ACPO 25, and I don't have

1 it to submit into evidence at this point. I -- if you  
2 close the proceedings, I don't think that document  
3 will be in the record.

4 JUDGE ALBERS: Well, I don't think we're  
5 going to close the record officially today. Just at  
6 least -- probably some loose ends here and there.

7 MR. KALB: Okay.

8 JUDGE ALBERS: I think we're going to  
9 have at least that motion following the four documents  
10 Mr. Gower had offered and -- to address that, so --

11 MR. KALB: Okay. So should I submit it  
12 as a motion to admit Mr. Edwards' affidavit and wait  
13 for a ruling from you?

14 JUDGE ALBERS: Well, I think we've  
15 identified it and we've admitted it with the  
16 understanding it's just the affidavit.

17 MR. KALB: Okay.

18 JUDGE ALBERS: So just -- when you get  
19 it, just send it in. Put it in --

20 MR. KALB: All right.

21 JUDGE ALBERS: Post it to E-docket --

22 MR. KALB: Very good.

1 JUDGE ALBERS: All right. And then  
2 Mr. Sturtevant.

3 [Whereupon, ATXI Cross Exhibit 8 was  
4 marked for identification.]

5 MR. STURTEVANT: Yes, Your Honor. First,  
6 I'd have -- just as follow-up to that, I have what's  
7 marked as ATXI Cross Exhibit Eight, which is Mr.  
8 Edwards' data responses with which we have stipulated  
9 with ACPO. So I think if we move that into the  
10 record, we will have resolved Mr. Edwards' testimony  
11 pending the filing of his affidavit.

12 JUDGE ALBERS: Any objection to ATXI  
13 Cross Exhibit Eight? Hearing none, it is admitted.

14 [Whereupon, ATXI Cross Exhibit 8 was  
15 admitted into evidence.]

16 JUDGE ALBERS: All right. Anything else  
17 of that nature?

18 MR. STURTEVANT: I do have two witnesses,  
19 Your Honor, whose testimony is coming in by affidavit,  
20 for ATXI.

21 JUDGE ALBERS: Okay. Go ahead.

22 MR. STURTEVANT: Starting with the

1 testimony of Ms. Borkowski, we have what has been  
2 marked as ATXI Exhibit 1.0, the direct testimony of  
3 Maureen A. Borkowski, accompanying exhibit ATXI  
4 Exhibit 1.1. We have what is marked as ATXI 10.0  
5 Revised, revised rebuttal testimony of Maureen A.  
6 Borkowski, with accompanying exhibits ATXI Exhibit  
7 10.1, ATXI Exhibit 10.2 Second Revised, ATXI Exhibit  
8 10.3, 10.4, 10.5. These testimony and exhibits are  
9 supported by Ms. Borkowski's affidavit, marked as ATXI  
10 Exhibit 10.6. We would move for the admission of Ms.  
11 Borkowski's testimony at this time.

12 JUDGE ALBERS: Any objection? Hearing  
13 none, I'm going to repeat -- make sure I got them all  
14 down right. ATXI Exhibit One, 1.1, 10.0 Revised,  
15 10.1, 10.2 Revised --

16 MR. STURTEVANT: Second Revised.

17 JUDGE ALBERS: Second Revised. Okay.  
18 Thank you. And 10.3 through 10.6.

19 MR. STURTEVANT: Correct.

20 JUDGE ALBERS: Are admitted.

21 [Whereupon, ATXI Exhibits 1.0 through  
22 1.1, 10.0 Revised, 10.1, 10.2 Second

1                   Revised, and 10.3 through 10.6 were  
2                   admitted into evidence.]

3                   JUDGE YODER:   Just -- 10.6 is the  
4   affidavit, you said?

5                   MR. STURTEVANT:   Correct.

6                   JUDGE YODER:   And has that been filed?

7                   MR. STURTEVANT:   I do not believe it has  
8   been filed yet.

9                   JUDGE YODER:   Okay.

10                  JUDGE ALBERS:   All right.   Thank you.

11                  MR. STURTEVANT:   But it will be soon.

12                  JUDGE YODER:   Okay.   Thank you.

13                  MR. STURTEVANT:   And then additionally,  
14   Your Honor, we have the -- what's been marked as ATXI  
15   Exhibit 19.0, the rebuttal testimony of Julia Tims  
16   (ph).   Ms. Tims' rebuttal testimony will be supported  
17   by her affidavit marked ATXI Exhibit 19.1, and we  
18   would move for the admission of Ms. Tims' testimony at  
19   this time.

20                  JUDGE ALBERS:   Any objection?   Hearing  
21   none, then 19.0 and 19.1 are admitted.

22                               [Whereupon, ATXI Exhibits 19.0 through

1 19.1 were admitted into evidence.]

2 JUDGE YODER: For the hearing report, has  
3 her affidavit been filed?

4 MR. STURTEVANT: It has not.

5 JUDGE YODER: Also to be filed. Okay.

6 JUDGE ALBERS: Anything -- oh. Anything  
7 further from ATXI on this issue? Also, then I do have  
8 a couple other witnesses for whom there was no cross,  
9 but I acknowledge their testimony has not been  
10 admitted. We have Paula Cooley (ph) on the list,  
11 Richard Earhart (ph), Michael Lockwood (ph), and  
12 Deborah Ruling (ph). Does anyone here represent them?  
13 Okay.

14 JUDGE YODER: Lockwood's the one who sent  
15 an affidavit a day or two --

16 JUDGE ALBERS: Yes. I think Mr. Lockwood  
17 sent us an affidavit. Perhaps, given -- pro se -- he  
18 does not know he needs to move for the admission of  
19 that inf -- of those documents. Since we do have an  
20 exhibit list and an affidavit from Mr. Lockwood, does  
21 anybody have any objection to admitting Mr. Lockwood's  
22 testimony?

1 MR. STURTEVANT: No, we don't have any  
2 objection, Your Honor.

3 JUDGE ALBERS: Okay. Well, then, Mr.  
4 Lockwood has offered to provide direct testimony with  
5 Attachments One through Seven. Hearing no objection  
6 then -- actually, the affidavit -- we'll mark  
7 that attachment -- all right. His direct testimony  
8 will be Exhibit A, and his affidavit will be Exhibit  
9 B. So hearing no objection, then Mr. Lockwood's  
10 direct testimony, Exhibit A, Attachments One through  
11 Seven, and Exhibit B, his affidavit, are admitted.

12 [Whereupon, Lockwood Exhibit A with  
13 Attachments 1 through 7 was admitted  
14 into evidence.]

15 [Whereupon, Lockwood Exhibit B was  
16 admitted into evidence.]

17 JUDGE ALBERS: And as far as the other  
18 exhibit identified, I can't recall what areas they  
19 were from or whether they had any -- at one time.  
20 So -- is there anything else for the record? We need  
21 to set a time frame to respond to the motion Mr. Gower  
22 filed, but anything other than that? Anything else

1 I'm forgetting? No? Okay. What kind of schedule do  
2 we want to look at for a response to --

3 [Discussion off the record.]

4 JUDGE ALBERS: Back on the record.

5 Ameren will file a response to Mr. Gower's motion by  
6 next Tuesday, and that's May --

7 JUDGE YODER: 21st.

8 JUDGE ALBERS: 21st. And Mr. Gower will  
9 file a reply by Thursday, May 23rd. So -- anything  
10 else for the record then today?

11 MR. GOWER: Unless, of course, they want  
12 to concede now, Judge.

13 JUDGE ALBERS: I'll take the chuckling as  
14 a no. All right. Nothing further? Then thank you  
15 all very much, and I'll just continue this matter  
16 generally.

17 [Discussion off the record.]

18 JUDGE ALBERS: I apologize. I did  
19 forget. Briefs will be due -- simultaneous initial  
20 briefs due June 3rd, and simultaneous reply briefs due  
21 June 10th. If anybody wants to submit an optional  
22 proposed order with suggested conclusions, that's also

1     due June 10th.  You don't need to summarize the  
2     positions.  Yes -- and then please, in your briefs,  
3     and if you do file a draft order, please include  
4     citations to the record for anything that you've --  
5     any facts you're alleging to or referring to.  So --  
6     any questions?

7                     MR. MORAN:  Your Honor, Bill Moran.  Are  
8     you -- I thought we had talked before about there was  
9     going to be a suggested form for the briefs?

10                    JUDGE ALBERS:  Yes.  We will get -- we  
11     will -- once we get the draft outline, a proposed  
12     outline from the parties -- I think that's due on May  
13     23rd.  Does that sound right to you?

14                    JUDGE YODER:  Yes, that sounds --

15                    JUDGE ALBERS:  We'll issue shortly  
16     thereafter an outline, and that'll be required to use  
17     for all the briefs.  So --

18                    MR. MORAN:  Just wanted to make sure that  
19     was still in effect.

20                    JUDGE ALBERS:  Yes.  That will --

21                    MR. STURTEVANT:  And I believe the  
22     company intends to circulate amongst the parties a

1     proposal that they can look at for that early next  
2     week.

3                     JUDGE ALBERS:   Great.   All right.   Any  
4     other questions?

5                     MR. GOWER:   Well, the submission of the  
6     proposed order is optional; correct?

7                     JUDGE ALBERS:   Yes.   Yes.   Yes, yes, yes,  
8     yes.   Yes, we'll send that information out in a ruling  
9     just to make sure everyone has it, so -- all right.  
10    Thank you again.

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